

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:03CR290
)	
v.)	
)	
STERLING J. McKOY,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court upon defendant's "motion to reconsider" (Filing No. [488](#)) regarding the Court's June 19, 2012, memorandum opinion (Filing No. [486](#)) and order and judgment (Filing No. [487](#)). Upon remand from the United States Court of Appeals for the Eighth Circuit ("Eighth Circuit"), the Court was directed to reconsider defendant's motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) in light of amendment 706 to the United States Sentencing Commission Guidelines Manual. *U.S. v. McKoy*, 665 F.3d 968 (8th Cir. 2011). Further, the Court was directed by the Eighth Circuit to consider changes made to the policy statement applicable to § 3582(c)(2) motions. *Id.*

The Court found that the changes made to the policy statement were not applicable to defendant's § 3582(c)(2) motion because, after the Court calculated defendant's sentence in light of amendment 706's retroactivity, the Court found the defendant is not entitled to a sentence reduction. The Court has reviewed these findings, and its decisions will stand. Thus, the Court will deny defendant's motion to reconsider. Accordingly,

IT IS ORDERED that defendant's motion to reconsider
(Filing No. [488](#)) is denied.

DATED this 24th day of July, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court